

REGION 8 WEEKLY REPORT – November 9, 2017

Hot Issues

Butte Priority Soils operable unit, Silver Bow Creek Butte Area NPL Site

Key Message: On November 3, 2017, the U.S. Department of Justice and EPA Region 8 issued a proposal for reaching an agreement in principle on long-disputed elements of a consent decree for full RD/RA implementation to the Atlantic Richfield Company, other responsible parties and the State of Montana.

- The U.S. team also set a deadline for reaching agreement on the proposals by January 26, 2018.
- The proposal is meant to accelerate long stalled consent decree negotiations for the BPSOU site.
- A November 16, 2017 meeting is scheduled to discuss the proposal.
- If agreement is not reached, EPA will issue a unilateral administrative order for full RD/RA implementation of the BPSOU remedy.

Meeting with National Association of Home Builders regarding Storm Water Concerns and Compliance Assistance.

Key Message: The National Association of Home Builders are seeking a response to policy proposals made during October 24th meeting with the Administrator, OECA, and regional representatives.

- On November 7, Region 8 senior leadership hosted a meeting with Colorado representatives and members of the National Association of Home Builders (NAHB) to discuss regulation of construction storm water and municipal storm water.
- The meeting helped clarify for NAHB representatives the state and federal roles and responsibilities related to storm water regulations.
- Region 8 will work with NAHB and Colorado to convene a meeting to discuss opportunities for increased coordination and collaboration among EPA, state and local regulators, compliance assistance opportunities, and a streamlined state compliance assurance program.

Utah Energy Solutions' In-Cell Macroencapsulation Process: Resource Conservation and Recovery Program (RCRP) Developing Options for Resolution of Permit Issues.

Key Message: A state-issued RCRA treatment, storage and disposal facility (TSDF) permit for Utah Energy Solutions allows for in-cell macroencapsulation, which is noncompliant with the RCRA LDR regulations.

- Energy Solutions has a state-issued RCRA permit to macroencapsulate mixed waste (i.e., radioactive/hazardous waste) within its landfill cells. Under the RCRA Land Disposal Restrictions (LDRs) regulations, hazardous waste must be treated *before* placement within a landfill.
- Region 8 and UDEQ agree that the current treatment process is more protective than an alternative process outside of the landfill.

- After extensive discussions with Headquarters' OGC and ORCR, the preferred option for the short-term appears to be a state-issued RCRA research development & demonstration (RD&D) permit.
 - RD&D permit provides for operation of the technology for up to one year, with the potential for renewal.
 - While operating under the RD&D permit, the facility would be required to gather data to support a future No Migration Variance petition, or some other long-term solution.

Upcoming Public Events

Regional Administrator will tour Anaconda Smelter Superfund site and visit with Anaconda community members

Key Message: RA will visit the Anaconda Smelter Superfund site on November 15 to get an overview of the project, meet with members of the community, and show his commitment to moving faster and smarter to implement a comprehensive cleanup in Anaconda, Montana. A community meeting will follow the site tour.

Safe Drinking Water Act Enforcement and Program Staff Meet with Wyoming Governor's Water Task Force

Key Message: SDWA Enforcement and Program staff will participate in this semi-annual meeting with various Wyoming state and local agencies in Cheyenne on November 9.

- The meeting will include representatives from the Wyoming State Engineers Office, Wyoming Departments of Environmental Quality, Wyoming Department of Agriculture, several Wyoming County Health officials and the Wyoming Association of Rural Water Systems.
- Region 8, state and local agencies will discuss local agencies' participation in sanitary surveys conducted by EPA, and collaborating to assist particular facilities in Wyoming with drinking water quality problems and to coordinate on-site visits to the water systems.

Upcoming Major Decisions - None

Last Week Highlights

Region 8 Senior Leaders' Field Trip to Observe Lean Culture at Denver Human Services

Key Message: The Region 8 Senior Leadership Team participated in a Lean Management System overview and tour of Denver Human Services, a Lean Culture organization on November 7.

- Tour highlights included observing visual management work flow boards in the work environment, learning how to help cultivate a Lean culture, and getting an introduction to various Lean tools and problem-solving techniques.